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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARAMIYA BURRELL,

Defendant.

) NO. CR 18-038 AMO

)
) STIPULATION AND ~~PROPOSED~~ ORDER
) REGARDING JANUARY 14, 2025 HEARING

On December 3, 2024, this Court presided over a further preliminary examination. ECF 70. The Court determined, in part, that a further hearing is required as to whether the government has established that in the interest of justice a witness is not required as to charges 5 and 6. Id. The Court set a further hearing for January 14, 2025. Id.

On January 8, 2025, the Court issued an order reassigning this case to Judge Araceli Martinez-Olguin for all further proceedings, granting a notice to relate cases filed by the government. ECF 74.

On January 10, 2025, the United States filed a notice attaching the declaration of Tina Key, an employee of the Alameda County Sheriff's Office. ECF 75. The declaration asserts, in sum, that the exhibit submitted by the government in support of charge 5 is a true and correct copy of a record created and maintained by the Sheriff's Department. Id.

In light of the order relating the case and the parties' discussions regarding next steps, as well as the filing of the Key declaration, the parties request the following:

1. That the Court vacate the January 14, 2025 hearing;
2. That the Court issue an order concerning the Key declaration and whether the Court concludes that a live witness as to charge 5 is required by the interest of justice, and if the Court finds the declaration insufficient, the defense will not oppose a further setting to allow witnesses to testify; and
3. That the Court defer further ruling as to charge 6 until such time as the parties can appear before Judge Westmore, which the parties will schedule for January 16, 2025.

IT IS SO STIPULATED.

DATED: 1/13/2025

/s/
JONATHAN U. LEE
Assistant United States Attorney

DATED: 1/13/2025

/s/
BRIAN P. BERSON
Counsel for Defendant ARAMIYA BURRELL

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, THE COURT ORDERS AS FOLLOWS:

1. The Court vacates the January 14, 2025 hearing;
2. The Court finds that the declaration of Tina Key does not support a finding that a live witness as to charge 5 is not required by the interest of justice; and
3. The Court defers ruling as to charge 6, to permit the parties to appear before Judge Westmore, in light of the recent order relating this case to CR 23-191 AMO.

IT IS SO ORDERED.

DATED: January 13, 2025


HON. THOMAS S. HIXSON
United States Magistrate Judge